

SECOND REGULAR SESSION

HOUSE BILL NO. 1211

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SMITH, OSTMANN, REINHART,
WILLIAMS AND ROBIRDS (Co-sponsors).

Pre-filed December 12 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2488L.011

AN ACT

To repeal section 565.253, RSMo, and to enact in lieu thereof two new sections relating to invasion of privacy, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 565.253, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 565.252 and 565.253, to read as follows:

565.252. 1. A person commits the crime of invasion of privacy in the first degree if such person:

(1) Knowingly photographs or films another person, without the person's knowledge and consent, while the person being photographed or filmed is in a state of full or partial nudity and is in a place where one would have a reasonable expectation of privacy, and the person subsequently distributes the photograph or film to another or transmits the image contained in the photograph or film in a manner that allows access to that image via a computer; or

(2) Knowingly disseminates or permits the dissemination by any means, to another person, of a videotape, photograph, or film obtained in violation of subdivision (1) of subsection 1 of this section or in violation of section 565.253.

2. Invasion of privacy in the first degree is a class C felony.

565.253. 1. A person commits the crime of invasion of privacy in the second degree if [he]:

(1) Such person knowingly views, photographs or films another person, without that person's knowledge and consent, while the person being viewed, photographed or filmed is in

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

5 a state of full or partial nudity and is in a place where [he] **one** would have a reasonable
6 expectation of privacy; or

7 **(2) Such person knowingly uses a concealed camcorder or photographic camera of**
8 **any type to secretly videotape, photograph, or record by electronic means, another person**
9 **under or through the clothing worn by that other person for the purpose of viewing the**
10 **body of or the undergarments worn by that other person without that person's consent.**

11 2. Invasion of privacy **in the second degree pursuant to subdivision (1) of subsection**
12 **1 of this section** is a class A misdemeanor; unless more than one person is viewed, photographed
13 or filmed in full or partial nudity in violation of sections 565.250 to 565.257 during the same
14 course of conduct, in which case invasion of privacy is a class D felony; and unless committed
15 by a [prior invasion of privacy offender] **a person who has previously pled guilty to or been**
16 **found guilty of invasion of privacy**, in which case invasion of privacy is a class C felony.
17 **Invasion of privacy in the second degree pursuant to subdivision (2) of subsection 1 of this**
18 **section is a class A misdemeanor; unless more than one person is secretly videotaped,**
19 **photographed or recorded in violation of sections 565.250 to 565.257 during the same**
20 **course of conduct, in which case invasion of privacy is a class D felony; and unless**
21 **committed by a person who has previously pled guilty to or been found guilty of invasion**
22 **of privacy, in which case invasion of privacy is a class C felony.** Prior pleas or findings of
23 guilt shall be pled and proven in the same manner required by the provisions of section 558.021,
24 RSMo.